

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

VINH DEGUZMAN,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of the  
Social Security Administration,

Defendant.

Case No. C09-1533-RSM-BAT

**REPORT AND  
RECOMMENDATION**

Plaintiff Vinh Deguzman brought this action to seek judicial review of the denial of her application for disability insurance benefits by the Commissioner of the Social Security Administration. Dkt. 1. The parties have stipulated that this case should be reversed and remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Dkt. 14.

Based on the stipulation of the parties, the Court recommends that this case be **REVERSED** and **REMANDED** for further administrative proceedings. The parties have stipulated that on remand, the Administrative Law Judge (ALJ) will further consider the opinions of Dr. Rao (Tr. 311-17), Dr. Young (Tr. 275-76, 302), and Dr. Numrych (Tr. 582-83); the ALJ will further evaluate plaintiff's subjective complaints; the ALJ will further evaluate the lay witness statements of Ms. Nguyen (Tr. 106-14) and Mr. Deguzman (Tr. 49-54); the ALJ will not

1 give weight to the determinations of State-Agency adjudicator (Single decision maker) Linda  
2 Brooks (Tr. 318-25) solely on its own as being a medical consultant's opinion; the ALJ will re-  
3 determine plaintiff's residual functional capacity, including by specifying precisely plaintiff's  
4 limited ability to reach; and the ALJ will further consider plaintiff's ability to perform past  
5 relevant work, including by making the findings that SSR 96-8p and SSR 82-62 require; and if  
6 necessary, the ALJ will consider plaintiff's ability to perform other work in the national  
7 economy. Dkt. 14.

8 Because the parties have stipulated that the case be remanded as set forth above, the Court  
9 recommends that United States District Judge Ricardo S. Martinez immediately approve this  
10 Report and Recommendation and order the case **REVERSED** and **REMANDED** for further  
11 administrative proceedings. A proposed order accompanies this Report and Recommendation.

12 DATED this 31st day of March, 2010.

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15 BRIAN A. TSUCHIDA  
16 United States Magistrate Judge  
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